

ORIGINAL

ORIGINAL  
FILE

LDP

LARRY D. PERRY

11464 SAGA LANE, SUITE 400, KNOXVILLE, TN 37931  
615-927-8474

RECEIVED

AUG 05 1992

August 3, 1992

MAIL BRANCH

RECEIVED

AUG 5 - 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RE: PETITION FOR RULEMAKING--TO CHANGE ALLOCATION  
TABLE FOR ERIN, TENNESSEE--CHANNEL 268

Dear Ms Searcy:

Please find attached a Petition for Rulemaking that was originally filed on July 25, 1990, but which was returned because of then pending CP for Central City, Kentucky, which caused serious overlap and short spacing. That matter has now been resolved as seen from the included engineering exhibit and there is no overlap.

The **filing fee was originally paid** on this petition and as it is simply being refiled now, there is no additional filing fee due.

Should you have any questions concerning this matter, please don't hesitate to contact this office for clarification.

Sincerely yours,

  
Larry Perry  
Attorney

LP/eb

No. of Copies rec'd 0 + 5  
List A B C D E

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

AUG 15 1991

IN REPLY REFER TO:

Larry Perry, Esq.  
One Tennessee Square  
Oak Ridge, Tennessee 37831-5894

Dear Mr. Perry:

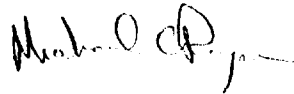
This is response to the petition for rule making which you filed on behalf of David R. Ross, licensee of Station WTWL(FM), Channel 268A, McKinnon, Tennessee and WJZM, Inc., the proposed assignee of Station WTWL(FM). The petition requests the substitution of Channel 268C3 for Channel 268A, and the reallocation of the channel from McKinnon to Erin, Tennessee, and the modification of Station WTWL(FM)'s authorization to specify the new channel and community.

A Commission engineering analysis indicates that your proposal is unacceptable for rule making. The proposed substitution of Channel 268C3 for Channel 268A at Erin at coordinates North Latitude 36-23-00 and West Longitude 87-33-00 is short-spaced to a construction permit (BPH-880407MO) for Channel 268A, Jackson, Tennessee, at coordinates North Latitude 35-40-19 and West Longitude 88-45-36 by 7.4 kilometers.

Although not a factor in returning your petition, we note that the proposed reallocation of Channel 268C3 from McKinnon to Erin, Tennessee would deprive McKinnon of its only local aural transmission service. Absent a compelling showing, the Commission will not entertain requests to remove a community's only local transmission service. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094 (1990).

Accordingly, we are returning your petition..

Sincerely,



Michael C. Ruger  
Assistant Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosure

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

FCC/MELLON JUL 31 1990

08-01-90 8195144 001

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

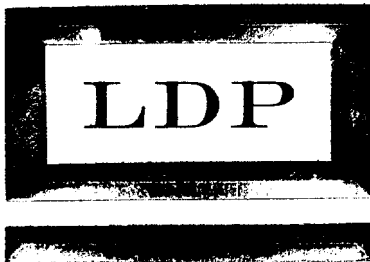
<b>SECTION I</b>			
APPLICANT NAME (Last, first, middle initial) WJZM, Inc.			
MAILING ADDRESS (Line 1) (Maximum 85 characters - refer to Instruction (2) on reverse of form) c/o Larry Perry			
MAILING ADDRESS (Line 2) (If required) (Maximum 85 characters) 11464 Saga Lane			
CITY Knoxville		FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY	
STATE OR COUNTRY (If foreign address) TN		ZIP CODE 37931	CALL SIGN OR OTHER FCC IDENTIFIER (If applicable) WTWL-FM
<b>RECEIVED</b> JUL 29 1991			
<b>RECEIVED</b> JUL 29 1991			
<b>FCC MAIL BRANCH</b>			
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.			
(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1) M R R		\$ 1565.00	

<b>SECTION II</b> — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.			
(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2) [ ] [ ] [ ]	[ ] [ ] [ ] [ ]	\$ [ ] [ ] [ ] [ ]	
(3) [ ] [ ] [ ]	[ ] [ ] [ ] [ ]	\$ [ ] [ ] [ ] [ ]	
(4) [ ] [ ] [ ]	[ ] [ ] [ ] [ ]	\$ [ ] [ ] [ ] [ ]	
(5) [ ] [ ] [ ]	[ ] [ ] [ ] [ ]	\$ [ ] [ ] [ ] [ ]	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			
TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING			FOR FCC USE ONLY
\$ 1,565.00			1565.00

FCC/MELLON JUL 31 1990

RECEIVED

JUL 29 1991



LARRY D. PERRY

COUNSELOR AT LAW

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ONE TENNESSEE SQUARE, BOX 3194, OAK RIDGE, TENNESSEE 37831-3194

TELEPHONE: (615) 483-8474

July 23, 1990

RECEIVED

JUL 29 1991

Ms Donna Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

FCC MAIL BRANCH

**RE: PETITION FOR RULEMAKING--TO CHANGE THE ALLOCATION  
TABLE FOR ERIN, TENNESSEE**

Dear Ms Searcy:

Enclosed please find an original and 5 copies of a Petition for Rulemaking to Amend the Allocation Table for FM broadcast stations to better serve the public interest and by providing the first broadcast service to a larger number of people than by the present allocation.

The instant petition proposes to change the allocation of Channel 268A from McKinnon, Tennessee, to Channel 268A Erin, Tennessee.

Should you or your staff have any questions concerning this matter, please don't hesitate to contact this office for clarification.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Larry Perry".

Larry Perry

LP/eb

RECEIVED

JUL 29 1991

Before The  
**FEDERAL COMMUNICATIONS COMMISSION** FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C., 20554 OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(McKinnon, Tennessee)

RECEIVED

JUL 29 1991

FCC MAIL BRANCH

TO: Chief, Allocations Branch

**PETITION FOR RULEMAKING  
TO AMEND THE ALLOCATION TABLE**

David R. Ross ("Ross") and WJZM, Inc. ("WJZM") by their  
counsel hereby petition the Commission to amend the FM Broadcast  
Allocation Table found at Section 73.202(b) of the Commission's  
Rules to:

**SUBSTITUTE** the City of **ERIN, TENNESSEE** Channel 268  
for the City of **McKINNON, TENNESSEE**, Channel 268A.

In support of this this request the following is shown:

1. Ross is the licensee of FM broadcast station WTWL-FM  
located in McKinnon, Tennessee. WJZM is the licensee  
of WTWL-FM.

2. The present allocation table provides for an FM channel  
268A to be allocated to McKinnon, Tennessee, a small middle  
Tennessee community located in Houston County. There are no  
allocations for Erin, Tennessee, the county seat of Houston County  
and the population center of the county.

3. There are no other broadcast stations of any kind located  
in Houston County, Tennessee.

4. Erin, Tennessee is located approximately 15 miles to the east of McKinnon and is at the intersection of 5 major state roads for commerce. Most of the shopping in the region is doing in Erin and in Waverly to the south. McKinnon is an unincorporated area with a population of 325 according to the most recent census figures for the state.

5. The 70 dbu signal of the McKinnon station does not cover the county seat of Erin.

6. The center of commerce and government for the county are located at Erin.

7. The nearest other broadcast facility to Erin is located in Waverly, Tennessee, some 20 miles to the south.

8. The requested change herein proposed to provide the first local aural service to residents of the county seat of Houston County and surrounding area.

9. The population presently served by the McKinnon facility within the 1 mV/m contour signal is approximately 9140, many of whom are on the west side of the Tennessee River and which do no commerce within Houston or adjacent Stewart county as there is no ferry or bridge connecting the two regions. Further, a majority of that population on the west of the Tennessee river are served in large part by broadcast service from stations in Paris, Tennessee, wherein lies their center of commerce and business.

10. When the Commission approves this change of allocations to Erin, the population served would increase to approximately 16,720+ within the 1 mV/m contour and in addition would be located at the center of commerce, business and government for the region. This population is not presently served by any broadcast service as there are none others in either Stewart or Houston counties.

11. Further, by allowing this allocation table change the short spacing that presently occurs between McKinnon and Jackson, Tennessee, would disappear and both stations would then be in a position to go to 6 kw ERP and serve more people.

12. The petitioners feel that being located in the center of government and commerce for the area would be in the best public interest in order that the station provide news and information about the area to the greatest number of people.

13. By allowing the relocation and reallocation of the station to the county seat the citizens of McKinnon would still be served, although not with a 70 dbu signal.

14. The requested change herein proposed is to provide the first local aural service to residents of the county seat of Houston County and surrounding area.

15. The new allocation to Erin from McKinnon would provide for a more efficient use of the spectrum by serving more people who are interested and who live in the commerce and governmental area in keeping with the original requirements of Communication Act of 1934, as amended.

16. As the attached updated engineering report indicates there will be no mutual exclusivity problem nor will any other station be affected by the change. There is no change of frequency proposed here. Further, the change would not create a short spacing problem with any other licensed or CP'ed station. Actually, as previously mentioned, the present location is 2.9 miles short spaced with Jackson, Tennessee new C.P. This change would eliminate that short spacing and be in both licensees' best interests.

17. When the Commission changes the Table as requested herein, the petitioners will file to move the transmitter site to the city of Erin as soon as possible in order to better serve the public interest with more localized news and information.

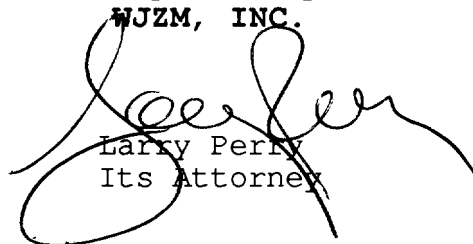
18. The petitioners, present licensee of WTWL-FM located at McKinnon, Tennessee, do propose to apply for and move facilities to the city of Erin once approved in order to better serve the public.

19. Thus, in complying with the Commission's policy regarding the modification of FM authorizations to specify a new community of License [5 FCC Rcd 7094 (1990)], based on an increased population receiving new service, a more centralized location for commerce, industry, and government, the elimination of a short spacing problem with the recently issued CP for Jackson, Tennessee (BPH-880407MO) for channel 268A, as amended, not create any interference to any other existing or proposed stations, and yet still yet still providing the McKinnon community with service from the county seat. All of which will allow for more efficient use of the spectrum and certainly be in the public interest.

WHEREFORE, by these reasons and the compelling public interest to increase those served while eliminating interference, the Commission is hereby respectfully requested to: (1) Change the allocation table in Section 73.207 to reflect a change of channel 268A from McKinnon, Tennessee, to Erin, Tennessee, [36 19 06 (D-M-S) North Latitude and 87 41 48 (D-M-S) West Longitude]; and (2) to modify WTWL-FM license to specify the new community of license.

Respectfully Submitted,

**WJZM, INC.**



Larry Perry  
Its Attorney

11464 Sagá Lane  
Knoxville, TN 37931  
(615) 927-8474

August 1, 1992



# ENGINEERING STATEMENT

ERIN, TENNESSEE

FM CHANNEL 268A

for

WJZM, INC.

Licensee of WTWL(FM), Channel 268A, McKinnon, TN

The attached engineering study of channel 268A for Erin, TN was performed using the Commission's separation criteria contained in 47 C.F.R. Section 73.207, Minimum Distance Separation Between Stations. This study indicates that channel 268A can be assigned to Erin, Tennessee 1/ with the reference point 2/ situated at the city-center.

## DISCUSSION

An FM channel search on channel 268A at the Erin, TN center-city coordinates indicates that this channel would maintain the required separation distances to all facilities afforded protection by the Commission. See Exhibit I: FM Channel Separation Study.

---


1/ Coordinates for Erin, TN are N 36-19-06; W 87-41-48

2/ Proposed coordinates for channel 268A are N 36-19-06; W 87-41-48

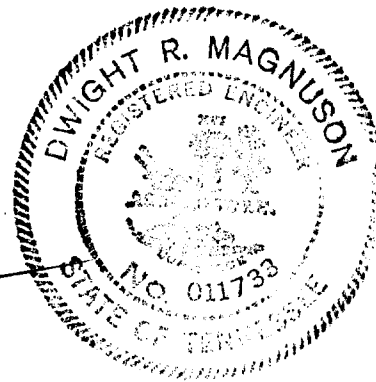
A clearance map for channel 268A of the Erin, TN vicinity reveals that there is adequate land available to accommodate the antenna tower without short spacing any facilities afforded protection by the Commission's rules. See Exhibit II.

At maximum facilities (6 kw ERP; 100m HAAT) a class A city-grade contour will cover approximately 15.5 kilometers from the antenna site. Therefore it is quite possible to provide Erin, TN with the required city-grade signal from a transmitter site within the clearance area shown on Exhibit II.

Having demonstrated that this proposal meets the separation requirements of 47 CFR 73.207 and that it also meets the city-grade coverage requirements of section 73.315, the public interest will be served by deleting channel 268A serving McKinnon, TN and the allotment of channel 268A to Erin, TN.

  
Dwight R. Magnuson, P.E.

Dated: 



## EXHIBIT I

\*\*\*\*\*

## FM CHANNEL SPACING STUDY

\*\*\*\*\*

Job title: Erin, TN

Channel: 268A

Database file name: d:\fccdata\fm920527.edx

Latitude: 36 19 6

Longitude: 87 41 48

Pre-1989 Class A spacings?: N  
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
268A	WFTZ	8936	Manchester	TN	CP	125.7	173.5	115.0	58.5
266C1		8948	Russellville	KY	USED	49.6	90.8	75.0	15.8
266C1	WBVR	9007	Russellville	KY	LIC	75.3	93.4	75.0	18.4
270C1	WKYA	9056	Central City	KY	APP	23.8	153.9	75.0	78.9
268A	WJOR	9532	St. Joseph	TN	LIC	173.4	145.6	115.0	30.6
269A	WKOM	9537	Columbia	TN	LIC	142.7	97.6	72.0	25.6
268A	WTWL	9541	Mckinnon	TN	APP	293.0	26.5	115.0	-88.5
268A	WTWL	9545	Mckinnon	TN	LIC	293.0	26.5	115.0	-88.5
270C1	WKYA	9570	Central City	KY	LIC	24.9	116.5	75.0	41.5
270C		9587	Central City	KY	USED	24.9	116.5	95.0	21.5
270C1	WKYA	9589	Central City	KY	CP MOD	21.0	147.0	75.0	72.0
265A	WVHR	10114	Huntingdon	TN	LIC	239.6	80.1	31.0	49.1
268A		10124	Jackson	TN	USED	232.5	127.3	115.0	12.3
268A	WVYG	10125	Jackson	TN	CP	233.4	119.7	115.0	4.7
265A	WVHR	10147	Huntingdon	TN	DEL	239.6	80.1	31.0	49.1
269A	WORMFM	10161	Savannah	TN	LIC	202.4	129.4	72.0	57.4
269A	WCMTFM	10163	Martin	TN	LIC	273.1	103.6	72.0	31.6
265C3	WVHR	10186	Huntingdon	TN	ADD	244.8	78.3	42.0	36.3
267C3		10815	Tiptonville	TN	VACANT	272.9	159.8	89.0	70.8
268B		10863	Carbondale	IL	USED	318.9	208.9	178.0	30.9
268B	WCILFM	10877	Carbondale	IL	LIC	318.9	208.9	178.0	30.9

\*\*\*\*\* End of channel 268 study \*\*\*\*\*



